

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the amendments made herein and in view of the reasons that follow.

**Status of Claims:**

Claim 43 are currently being added, whereby this claim is readable on the elected Group 1.

No claims have been canceled.

Claims 1, 3, 7, 9, 28, 29, 35-40 and 42 are currently being amended.

This amendment and reply adds and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-43 are now pending in this application, whereby claims 5, 6, 11-27 and 30-34 have been withdrawn from consideration, leaving claims 1-4, 7-10, 28, 29 and 35-43 presently pending for further consideration.

**Claim Rejections – Prior Art:**

In the Office Action, claims 1-4, 7-10, 28-29, 35-38, 41 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,883,621 to Iwamura in view of U.S. Patent No. 6,085,019 to Ito; and claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwamura in view of Ito and further in view of U.S. Patent No. 5,675,831 to Caputo. These rejections are traversed for at least the reasons given below.

As now explicitly recited in each of the presently pending independent claims under rejection (except for claim 39), the video apparatus makes the sole determination as to its communication partner. Furthermore, that sole determination is made without an input by a user. The Office Action correctly recognizes that Iwamura does not teach or suggest these features, but the Office Action incorrectly asserts that Ito teaches these features.

In particular, the Office Action references column 7, lines 15-53 of Ito to allegedly teach the above-mentioned features recited in each of the presently pending independent claims. As stated in column 7, lines 18-27 of Ito, “When it is desired to record a video signal on the record medium including in recording/reproducing device 26, an external device 2

supplies an appropriate record request signal (S10a) to the data I/O device 10 to which it is coupled. . . . Recording/reproducing control circuit 34, in turn, 'searches' for an 'empty' (or available) recording region of the record medium and supplies to the data I/O device 10 an assigned region identification control signal which identifies the region." Thus, no determination as to a communication partner is made by a video apparatus, since it has already been assigned a communication partner by virtue of the device to which it is coupled. In other words, choosing a particular empty region of a single recording medium does not constitute determining a recording medium from a plurality of recording mediums to be a communication partner therewith.

Still further, with respect to presently pending independent claim 1 (as well as to presently pending independent claims 3, 7, 9, 28 and 29), Ito discloses that "Referring to FIG. 4, a signal flow diagram illustrating the flow of various control signals between the various devices of the apparatus of the present invention during a recording operation is shown. When it is desired to record a video signal on the record medium including in recording/reproducing device 26, an external device 2 supplies an appropriate record request signal (S10a) to the data I/O device 10 to which it is coupled and, in response thereto, data I/O device 10 supplies the same record request signal or a different (and corresponding) request signal via control bus 20 to recording/reproducing control circuit 34. Recording/reproducing control circuit 34, in turn, "searches" for an "empty" (or available) recording region on the record medium and supplies to the data I/O device 10 an assigned region identification control signal which identifies the region (i.e., memory address) of the record medium at which the video and audio data is to be recorded. In accordance with one embodiment of the present invention, recording/reproducing control circuit 45 includes therein a memory which contains an index or suitable "table of contents" of the data stored on the record medium so that control circuit 34 is operable to identify an address of the record medium at which new video and audio data may be recorded. In an alternative embodiment of the present invention, recording/reproducing control circuit 34 is unable to identify such an address in the record medium, or alternatively, request a verification of such an address and, thus, supplies an "empty region request" control signal to recording/reproducing device 26 which requests that device 26 identify a region (i.e., memory address) of the record medium therein which is empty or available. Recording/reproducing device 26 supplies an identification control signal back to recording/reproducing control circuit 34 which, in

response thereto, supplies an assigned region identification signal similar to that previously discussed to data I/O device 10. Data I/O device 10, in response to receiving the assigned region identification signal, supplies an appropriate recording permission signal as control signal S10a to the external device 2 which supplied the original request signal.” Column 7, lines 15-52 of Ito.

The sentence in the above-quoted paragraph of Ito, namely, “When it is desired to record a video signal on the record medium including in recording/reproducing device 26, an external device 2 supplies an appropriate record request signal (S10a) to the data I/O device 10 to which it is coupled and, in response thereto, data I/O device 10 supplies the same record request signal or a different (and corresponding) request signal via control bus 20 to recording/reproducing control circuit 34”, means that the recording/reproducing device 26 is already determined before the external device 2 supplies the record request signal to the data I/O device 10. Therefore, the external device 2 does not make a sole determination as to the communication partner of one of the video apparatuses.

The two sentences in the above-quoted paragraph of Ito, namely, “Recording/reproducing device 26 supplies an identification control signal back to recording/reproducing control circuit 34 which, in response thereto, supplies an assigned region identification signal similar to that previously discussed to data I/O device 10. Data I/O device 10, in response to receiving the assigned region identification signal, supplies an appropriate recording permission signal as control signal S10a to the external device 2 which supplied the original request signal”, means that although the assigned region identification signal is supplied to the data I/O device 10, the assigned region identification signal is not transferred to the external device 2 and the recording permission signal is supplied to the external device 2. Here, there is no necessity that the external device 2 knows the region of the record medium at which the video and audio data is to be recorded or reproduced, because the external device 2 has already specified only the recording/reproducing device 26, and the selection of the region is entrusted or commended to the data I/O device 10. Therefore, the data I/O device 10 receives the assigned region identification signal, while the external device 2 merely receives the recording permission signal without information on the assigned region. For lack of information on the assigned region, it is impossible that the external device 2 makes a sole determination as to the communication partner of one of the video apparatuses.

Further, the above-mentioned two sentences of Ito makes it apparent that the TOC (table of contents) information stored in the recording/reproducing control circuit 34 of Ito is not supplied to the external device 2.

Still further, there is only a single recording/reproducing device 26 in the system of Ito. Therefore, the external device 2 will be deterministically connected to that single recording/reproducing device 26, and the external device 2 has no discretion to choose one of a plurality of recording/reproducing devices (since there is only one such device in the system of Ito). Only a region of the record medium of the recording/reproducing device 26 is selectable.

To summarize, it is not the case in Ito that “wherein said one of said video apparatus 2 makes a sole determination as to the communication partner of said one of said video apparatuses based on the state information that said network management apparatus 34 received from the other video apparatuses and forwarded to said one of said video apparatuses without an input by a user (column 7, lines 15-53)”, because the state information in Ito is not forwarded to any video apparatuses 2 and because video apparatus 2 does not and need not make a sole determination based on any state information.

Also, presently pending independent claim 1 (as well as other independent claims 3, 7, 9, 28 and 29) recites that “said network management apparatus stores the state information of said plural types of video apparatuses (not a signal apparatus).” On the other hand, even if the network management apparatus 34 that stores the TOC information can be construed as a network management apparatus that stores some information, the network management apparatus 34 stores information related to stored programs of the single recording/reproducing apparatus 26. Therefore, it is not the case that the network management apparatus 34 of Ito stores the state information relating to stored programs of a plurality of video apparatuses. Whether the state information is related to a single apparatus or is related to a plurality of apparatuses is important, since if the state information is related to a single apparatus, then it is impossible to determine a communication partner, while if the state information is related to a plurality of apparatuses, then it is possible to determine a communication partner.

Therefore, the assertions made on page 3, line 13 to page 4, line 2 of the Office Action concerning Ito compensating for the deficiencies of Iwamura are incorrect, and as such

presently pending independent claims 1, 3, 7, 9, 28 and 29 are patentable over the combined teachings of these two references.

Accordingly, each of the presently pending independent claims (except for claim 39, which is addressed below) patentably distinguishes over the combined teachings of Iwamura and Ito.

In its rejection of claims 39 and 40, the Office Action relies on the teachings of Caputo to allegedly disclose that “when another apparatus is newly connected to said network (bus), said another apparatus outputs on the network, without first being requested to do so by any other apparatus, information concerning the state information of said another apparatus (non plug and play: column 9, line 56-column 10, line 10) for the benefit of having the user specify information for some devices.” Applicant respectfully disagrees with this assertion, especially with regard to the specific features recited in claim 39.

In particular, claim 39 recites that, when another video apparatus is newly connected to said network, said another video apparatus outputs on the network, without first being requested to do so by any other apparatus, information concerning the functions or application program interfaces, the service-availability and the stored programs of said another video apparatus. At best, Caputo describes a system in which, once a device (e.g., a modem) is newly connected to a system, that device provides its device ID to the system. Once a configuration manager determines that the device is new, it calls a class installer to load device specific information from an information file to a registry. Thus, the new device of Caputo does not initially provide information concerning the functions or application program interfaces, the service-availability and the stored programs of that device to a network, but rather it merely provides its ID. At a later time, the new device is queried in order to obtain more specific information from the new device. This clearly does not meet the specific requirements recited in claim 39.

Accordingly, claims 39 and 40 are patentable over the combined teachings of Iwamura, Ito and Caputo (since Iwamura and Ito do not rectify the above-mentioned shortcomings of Caputo).

The presently pending dependent claims under rejection are patentable due to their respective dependencies on one of the independent claims under rejection as discussed above, as well as for the specific features recited in those dependent claims. For example, in its

rejection of claims 41 and 42, the Office Action asserts that column 7, lines 15-53 of Ito teaches the features recited in these claims. Applicant respectfully disagrees. In particular, as recited in claim 41, the video reception apparatus receives the corresponding state information from each of the plurality of video storing apparatuses when a video program is received by the video reception apparatus, in order to determine an optimal one of the plurality of video storing apparatuses to store the video program therein and to thereby become the communication partner of the video reception apparatus. In column 7, lines 15-53 of Ito, a determination is made as to which empty region of a recording medium is to be used to record data therein. No determination is made as to which of a plurality of recording devices is to be used to store data in the system of Ito. Rather, it decides on a particular memory address of a recording medium which is empty or available, as described in column 7, lines 41-45 of Ito.

As recited in claim 42, the video display apparatus receives the corresponding state information from each of the plurality of video storing apparatuses when a command is received by the video display apparatus to display a particular program, and wherein a particular one of the plurality of video storing apparatuses in which the particular program is found to be stored therein is assigned the communication partner with the video display apparatus, in order to display the particular program. No such displaying of a particular program stored in a memory of a communication partner, wherein the displaying is based on a command, is taught or suggested by column 7, lines 15-53 of Ito.

Accordingly, claims 41 and 42 are patentable for these additional reasons.

**New Claim 43:**

New independent claim 43 has been added, whereby this claim is believed to patentably distinguish over the cited art of record, for similar reasons as provided above with respect to claim 1.

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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